

**REMARKS**

This paper is intended as a full and complete response to the Office Action dated November 02, 2005, having a shortened statutory period for response set to expire on February 02, 2005.

Claims 1, 11 and 17 are currently amended in the Application.

Claims 1-20 are pending in the Application.

**I. Double Patenting**

The Office Action rejected Claims 1-20 under the judicially created doctrine of obviousness-type double patenting as being unpatentable in view of co-owned US Patent Number 6,643,504.

Applicant hereby submits a terminal disclaimer to overcome the double patenting obviousness-type rejection. The terminal disclaimer with the associated fee is included as Attachment A. Reconsideration of the rejection in view of the remarks is respectfully requested.

**II. Claim Rejection 35 USC § 102**

The Office Action rejected Claims 1-5, 7-12, 14-18 and 20 under 35 USC § 102(b) as being anticipated by *Evans* (US Patent Registration Number 5,448,619).

Applicant's method provides a method of activating and authenticating a wireless telephone system co-located with a primary wireless communication system. Applicant's method requires masking only during the authentication and access processing (See Applicant's Paragraph [0010]). The masking is an active step performed in the Applicant's method. The masking can be done by radiating a control channel signal that exceeds a radiation level of the primary system within a very short distance, by shielding the radiation from a primary system, or

by using identical signal formats and frequencies used by the primary system (See Applicant's Paragraphs [0010], [0011], and [0012], and Claim 2, 4, and 7).

In the Applicant's method, the masking occurs in a localized space which is a short distance surrounding the wireless device (See Applicant's Paragraphs [0010] and [0030]; and Figures 3 and 4). For example, Applicant's method can be utilized as a handset located near the antenna or as a box in which the wireless device is placed (See Applicant's Paragraphs [0033] and [0036]; and Figures 3 and 4).

*Evans* is an apparatus and method that provides a private cellular system within an area already served by a public cellular system include a receiver for receiving RF control signals from the public system utilizes the overall strength of the channels to ensure cellular users are locked onto a private control channel over a large area (See *Evans* Column 3 lines 58-65)

*Evans* is a typical cellular system where a signal is emitted over a wide area and wherein the system is usable where the signal is stronger than the surrounded area. The antenna in *Evans* merely transmits over a wide area and does not include shielding that blocks control signal levels of overlapping wireless communication systems (See *Evans* Column 5 lines 22-27 and Column 7 line 7-15). *Evans* does not disclose the transmitting antenna accessible to a wireless device seeking access and authentication that includes shielding. *Evans* does not disclose blocking a control signal level of the overlapping primary wireless communication system (See *Evans* Column 3 line 33 – Column 4 line 3).

Claims 2-5, 7-10, 12, 14-16, 18 and 20 are dependent on independent Claims 1, 11, and 17, and therefore include all the features thereof. Since Applicants believe that independent Claims 1, 11, and 17 are patentable over *Evans*, Claims 2-5, 7-10, 12, 14-16, 18 and 20 are believed to be patentable. Applicant believes no new matter has been added with these amendments. Reconsideration of the rejection to Claims 1-5, 7-12, 14-18 and 20 in view of the amendments and remarks is respectfully requested.

### III. Claim Rejections 35 U.S.C. § 103

The Office Action rejected Claims 6, 13 and 19 under 35 USC § 103(a) as being unpatentable over *Evans* (US Patent Registration Number 5,448,619).

Claims 6, 13 and 19 are dependent on independent Claims 1, 11, and 17, and therefore includes all the features thereof. Since Applicants believe that independent Claims 1, 11, and 17 are patentable over *Evans*, Claims 6, 13 and 19 are believed to be patentable. Applicant believes no new matter has been added with these amendments. Reconsideration of the rejection to Claims 6, 13 and 19 in view of the amendments and remarks is respectfully requested.

Applicant appreciates the examiners time and attention to this matter. Applicant believes no new matter has been added with any amendments that have been made. Applicant believes the Claims as now provided are in condition for allowance. Reconsideration of this application is respectfully requested.

Respectfully submitted,

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Enclosures – Attachment A -- Terminal Disclaimer